to what extent Government can accommodate them. Keeping in view all this and also what I just now said about reservation for backward classes and so on and so forth.

MADAM SPEAKER.—In view of the statement, this subject is closed.

Destruction of grass by Military personnel in Belgaum.

SRI B. B. SAYANAK.—I am sorry to bring to your notice that on 26th of last month I have given a call attention notice stating that military personnel are destroying the grass. That subject has not come up so far. There is scarcity of grass.

MADAM SPEAKER.—We will see to it. Next subject. Smt. Addy Saldhana to speak.

Mysore Land Reforms (Amendment) Bill 1972—Motion to consider [Debate continued]

† SMT. ADDY SALDHANA (Mangalore I).—Madam Speaker, I fully support the Land Reforms Bill placed before the House and I would like to make a few observations and suggestions.

The attempt made in this Bill to bring about greater equality in wealth and income in accordance with the Directive Principles of our Constitution is highly commended, so also the general principles underlying the land reforms. However, the following observations and suggestions are made with a view to ensure that the Bill is not self-defeating, does not itself in any part go against norms of social justice, nor inhibit economic growth.

In clause (ii) the words "provided..... villages" are inserted. It is observed that several persons residing at much greater distance than 16 kms. are able to cultivate their lands personally with constans supervision and with more efficiency than others residing within the prescribed limit. As persons

who are either Government or other employees, cannot opt to remain within 16 kms. it is requested that this clause be suitably and meaningfully amended. I want the Government also to examine whether some better criterion be worked out.

Omission of explanation III – As it may not be possible for the members of some bodies to cultivate the land personally, the Government might once more consider this expianation before it is deleted from the principal Act.

Definition of Family – May I ask in this connection what is the intention behind this change—is it to raise the ceiling for the family or to lower it ? When this new definition is adopted, a family after this amendment will really be enabled

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to own more land than under the original Act, for example, two members in a family are majors, the family could hold 30 units of land and if more, an additional quantity. Another difficulty that will arise is, when a minor, becomes a major, is the family immediately entitled to own more land ? Is there any allowance for more than 3 minors ? Therefore, the definition is likely to cause ambiguities under these two heads.

Clause 28 – new section 47 – The landlords are anyway going to be dispossessed of the land and many of them have not keen receiving rents for several years. Could not the amount payable be based on a criterion that takes into consideration the total income or wealth of the land owner, and not merely the quality of the land ? Poorer land owners also ought to be protected by the State as far as income is concerned, if they are not, there will be an element of injustice newly introduced.

3-00 P. M.

Then coming to proposed new section 77 in respect of disposal of surplus land I would like to state that if only 4 lakhs acres of land could ultimately be declared surplus, the reservation of 50% of this land, viz, 2 lakhs of acres of land for scheduled castes and scheduled tribes appears to be too much. In the interests of economic growth as well as justice the land should go to those who are poor, who need land and who will cultivate it effeciently.

Experience shows that many of the people belonging to certain castes are not by tradition and training suited for agril culture. They often leave the land allotted to them f. llor or sell it off. While it is necessary to help them, would it not be better to give them a small homestead instead, and some other help to start a scheme for self-employment Secondly, a floor limit has been fixed in the amending Bill. This would limit the number who could benefit from the surplus land. Among those who now apply how would persons be chosen for the benefits Would it not cause land hunger to increase among those who do not get land and consequent discontent as was seen in some western countries after land reforms.

Thirdly, on the one hand we are working for consolidation of land holdings, on the other, the distribution of land would increase sub-division and fragmentation. The two policies will be inconsistent with each other. Such inconsistencies should be removed.

Since all those who want the land cannot possibly get it, would it not be better to use this surplus land for co-operative farms in which the landless could be members. This would avoid two difficulties *viz*, preventing sub-division and fragmention and at the same time atleast minimize demand for land since many are not likely to demand membership of co operative farms if it involves both residence and contribution of personal labour. However this type of co-operation should be suitable to the members, and these should first undergo some training for it, as the success of co-operation depends much on attitudes and training of the members.

Then with regard to section 79A debarring persons who have an income of Rs. 12,000 from holding land, I would like to state, that this would be discriminatory and would not serve any social or economic purpose. It will not bring about social justice His income need not be reduced thereby. He can still increase his income from other sources. nor will it guarantee the observance of the 'one-man one profession' principle for those drawing incomes purely from industry are not debarred from earning income from other non-agricultural sources, nor are those in agriculture debarred from such earnings. The clause is therefore discriminatory against only this particular group and therefore against justice.

Further, estate owners and persons having 54 acres of orchards or coconut farms can surely earn more than Rs. 12,000 a year. This section therefore appears to favour big Landowners which is precisely the class that the amending bill is seeking to strike at.

Again in the case of the class that it discriminates against, the clause infringes upon the individual's right to choose any occupation he desires. It would also be harmful to economic growth. Persons with incomes over Rs. 12,000 would be in a better position to promote capital formation in agriculture. It is one thing to forbid ownership. It would also forbid enterprising and educated agriculturists who have, other paying jobs from contributing directly to agricultural development. It is therefore desirable that this clause should be reconsidered and amended suitably.

Then under section 79C I feel the powers given to the Tasildar appear to be excessive.

Then with regard to amendment of section 106 I would like to mention that it is possible that the enforcement of this clause might considerbly bring down the income of genuinely charitable institution and then their charitable works would also suffer. This would be an injustice to those weaker sections who are the beneficiaries from these

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works. It is therefore desirable that the whole topic of Religious and Charitale societies or institutions be more carefully studied and considered so that total welfare is not thereby affected.

Then Sir, with regard to sections 109, perhaps insituions with a public educational purpose aud some religious or charitable isntitutions as well as effciently managed farms could find a place in these clause, after careful study.

In regard to exemptions, I would like to mention, that removal of efficiently managed farms from this list may inhibit economic growth and omission of some of the charitable institutions may reduce welfare. It would also penalise some of the pioneers of the green revolution.

With regard to classifications of lands, the basis proposes in the amending bill favours owership of dry lands. coconut tarms and orchards. This may be detrimental to increase in production of foodgrains.

Further is people start irrigating their lands after this bill comes into force will lands be reclassified ? If so, growth will definitely be inhibited, as it will discourage people from undertaking irrigation. It is therefore bette rthan no such reclassification takes place. This is in accordance with the guidelines given from the New Delhi. recently With regard to Computation of revised ceilings 1961 seems to be too early a date for consideration of transfers with retrospective effect

With these words I thank the Chair and conclude my speech.

(Mr. Deputy Speaker in the Chair)

† SRI P. B. PATIL (Bailhongal) : Mr. Deputy Speaker

Sir, the Bill which has been introduced by the Government requires a lot of changes even in the various definitions given in the Bill. To start with, the definition of family is given as a family consisting of two persons, viz., husband and wife and three minor children. Accoring to this definition, it is quite clear, that there is no place for the major sons in the family of an agriculturist. According to Hindu Law the definition of family includes husband, wife, son, grand-son, and great grand sons. But here we do not find any place even for major sons. Though they are living with their parents they will be prevented for the purpose of this Act. There will be some complications if we do not include the major sons and grand sons in this Act under the

definition of a family. For instance, there may be an agriculturist family consisting of major sons also who would be solely depending upon their parents for education etc. But according to the proposed Act they will be with no means for their education. Secondly, there may be major sons in a family on whom the parents might be dependent for their maintenance. The parents being old they are to be helped by these major sons out of their earnings. Then there are some farmers who are under moral obligation to look after widowed sisters, old mothers and old fathers etc., who are unable to earn themselves and they will also have to be maintained.

Then coming to the definition of the 'Person' under the proposed Act it is defined as a natural person. The Juristic persons are excluded from this Act. There are some instances wherein properties have been held by jurisdic persons like companies. There are some companies who are holding properties on lease for certain period. For instance, the Dandeli Paper Mills has taken on lease nearly 5,500 acres of land from some private owner some 10 to 12 years back and they have developed the thick forest area into pulp growing area by spending lot of money. If such jurisdic persons are excluded it would be a great injustice done to companies and industries developing in the State. Then there are some Trusts which hold properties for educational purposes and there are some religious and charitable trusts. All these have been excluded from the purview of this Bill. There are so many educational trusts in Bombay-Karnatak area meant for educational purposes. The intention of the donors of these trusts is to see that boys get the benefit of education and for which they provide them with monthly maintenance. If such trust are excluded, I think, great inustice would be done to these trusts.

Then coming to the restrictions proposed on farmers for cultivating his own land, viz., that the farmer has to stay within 16 kms. from the place where he is to cultivate, I would like to state, that in these modern days such restrictions are unreasonable. In this connection I would like to mention that under the definition of the term 'cultivation' it has been mentioned that cultivation by hired labour is also valid. When cultivation by hired labour is possible then the restrictions proposed in this Bill cannot be valid. If this restriction is not removed the agriculturists will be put to h a r d s h i p and will not have facilities for providing education to his children, and to provide other modern facilities etc. Therefore I suggest that instead of putting this restriction of stay within 16 kms it would be sufficient if it is provided that the farmer should cultivate the land by himself or by hired labour.

Then coming to the restrictions laid on persons who are earning more than 12,000 rupees and who are to forgo their land whatever

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its worth might be, is quite unreasonable when they are applied to merchants, private practitioners like Doctors and Pleaders etc. The income is calculated for five consecutive years on the basis of the returns submitted by him to the Income-Tax Department. If all of a sudden something goes wrong in his business or if he were to incur huge loss then he will have nothing to maintain himself and his family and there is also no provision in the Bill for him to get back the land property. Even the private professionalists like a Doctor or an Advocate will have to face the same difficulty. A Doctor who will be earning 12 000 rupees a year, if he were to lose his practice on account of some trouble or the other, he will also have no source left to maintain himself and his family. Similarly, lawyers who are doing good business for about 8 to 10 years if they all of a sudden lose their practice he will have to depend upon his property for his maintenance and if that property is to be taken away by Government, then he will be nowhere and it would be impossible for him to maintain himself and his family.

Lastly, with regard to the ceiling of 10 acres proposed in the Bill I would like to know whether on what basis this has been arrived at? I don't think any person having this much of land will be able to earn more than eight to ten thousand rupees a year. If the intention of the Government is that a man should not earn more than Rs. 12,000 a year then the proposed ceiling is reasonable. But if the intention of the Government is that he should earn something more than that then the restriction or ceiling of 10 acres is quite unreasonable. I would like to suggest that the ceiling should be atleast 18 to 20 acres. When the Central Gavernment itself is of the view that 18 acres ceiling limit should be provided, then I do not think it would be difficult for the State Government to increase it to 18 standard acres.

If the restriction is imposed upon the educational institutions, then the purpose for which the trust is created would be frustrated. The educational trust is created by the donors in order to provide educational facilities to the people in the backward areas of the State. If this ceiling is imposed upon educational trusts, then they cannot promote their interests.

The amount of compensation payable to the surplus land and the rent etc. which are provided in this Bill, I do not think there is any reasonableness in providing so much amount. They have nicely put the word 'amount for the excess of the land which has been surrendered to the Government'. The maximum amount for the excess of the land surrendered to the Gevernment comes to Rs. 2 lakhs. I should say that this is a farce because a man who surrenders 10,000

acres of land would not get even Rs. 2 lakhs. I would therefore plead that the amount payable for the excess land surrendered should be increased atleast to 10 times the amount provided in the Bill.

With this I thank the Hon. Speaker for having given me an opportunity to participate in the debate.

Sri K. PUTTASWAMY. (Chamundeswari) :— As a pretty old advocate of land reforms, I have very great pleasure in participating in this debate. I am guardedly saying so because I find myself unable to subscribe to one or two principles which are adumberated in this Bill. This Hon. House is aware of the momentous decisions that the Congress Working Committee has taken and I wholeheartedly subscribe to all the principles that the Congress Working Committee has laid down. I am only offering my remarks within the four corners of the policy laid down by the Congress High Command.

Mr. Deputy Speaker, the House is very well aware of the election manifestos that are issued by each party before the elections and that is, as far as we are concerned, our Magnacarte. What the Congress Party would do if it gets elected and comes to power, has been clearly stated in the election manifesto we stand by that. As a humble worker of the Organisation, I stand by what has been stated in the election manifesto both in letter and spirit.

This is not the first time that the question of land reforms is coming up before this House. Of course, in the erstwhile British provinces, the land reforms question was taken up even before 1947. The question of land reforms came up for serious consideration before this Legislature after 1947 in our State. Some time it appeared to me while I was listening to the speeches made by some of our hon. Friends that as if this question has come up for the first time and that we were laying claim to the credit for the land reforms now. We cannot forget what has happened for the last 25 years. Before 1952, we were able to enact reforms abolishing the Inams, abolishing the Jahagirs. At this time, I would be failing in my duty if I do not express my gratitude to those persons who piloted the land reforms and the several aspects of land reforms in the early part of 1950. The late Sri Siddiah who was then the Revenue Minister had piloted the abolishion of Jahagirs and Inams. Sri Kadidal Manjappa came later into the picture, he piloted the land reforms as far as abolishion of Religious and Charitable Inams are concerned. In the year 1955, If I am not mistaken, the first tenancy legislation was passed. Then it was intended to give protectio to the tenants, security of tenures and also prevention of back venting. This was them considered a revolutionary meassure. But as time passed on, thinking of the people changed. Now we have reached a final stage where not only the tiller of the soil is being made the owner but also there is going o be limitation as far as holdings are concerned. As I submitted

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to you, a precise attempt to give security of tenure and back renting are sought to be prevented. There is also an attempt being made to permit the tenancies in some form with respect to land owners who are under certain disabilities. Then there is a question of confirmation of ownership, then payment of compensation to those who are losing ownership. Them also the question of small holders, and how they are going to be treated.

3-30 P. M.

Sir, some reference was made to the prevention of concentration of economic power in the hands of a few persons in the villages, It is of course general by conceded that it is not in the interests of the growth of a socialist society if economic power is allowed to be concentrated. I do not know what our friends had in their mind when they were using the word concentration of economic power. Anyway in my humble experience, I have not come across a person in rural areas in whose hands the economic power has been concentrated and definitely not in the hands of those persons who are mainly depending upon agriculture. There may be one or two persons in whose hands some sort of economic power might have come to stay that too in respect of persons who, in addition to agriculture, have taken up other avocations like industries orsome other business. I have not come acorss even one person in whose hands the economic power has come to stay who mainly depended up n agriculture whatever the size of his holdings.

After making these preliminary remarks, I would like to refer to some of the changes which this Amending Bill seeks to introduce. Now the definition of person is sought to be changed in clause 24 of sub-section 21 (B), the amending provision reads thus :

"(24) "person" means a natural person or a family consisting of natural persons but shall not include a joint Hindu family, an Aliyasanthana family, an institution capable of holding property, a company, association or other body of individuals whether incorporated or not, "

By this definition, an attempt is made to introduce a very serious change in the Bill itself. A "Person" means a natural person, it excludes all juristic persons. What happens if this definition is accepted, we must be clear in our mind. All juristic persons would not be able to hold lands. For this, I would refer to the opinion expressed by our former Advocate General. The former Advocate General while participating in a Seminar had expreseed his opinion.

There was an incorrect report. He wrote to the Indian Express thus "In your report it is observed that I fully agree with the restricting of definition of person to natural persons and the bill has not put any ceiling on companies from holding agricultural lands. This is not a correct reproduction of my speech. What I stated was that after the amendment the person other than a natural person could not hold lands. I pointed out that the view that non-natural person like companies and firms can hold land without any ceiling is fallacious or would run counter to the interdency of this Act." If the definition of 'person' is accepted as it is, would mean that no other juristic person would be able to hold land. The temples would not be able to hold land There are several hostels now owning land and to my knowledge they are personally cultivating the land, they would lose the land , the educational institutions would lose the land, the maths would lose the lands and so many other institutions would lose lands That means after this Bill is passed into law, only natural person can hold land and no other body of individuals can hold lands. Is that what we want here ? I humbly submit that there must be exceptions and body of individuals must be permitted to hold lands. That would not be inconsistent with the decision of the Congress High Command. They have permitted the trusts and other bodies of persons, under certain circumstances, to hold land.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ —ಮಾನ್ಯ ಸದಸ್ಯರು ಎ. ಐ. ಸಿ. ಸಿ ಬಗ್ಗೆ ತೀರ್ಮಾನವನ್ನು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಎಂ. ಪಿ. ಸಿ. ಸಿ. ತೀರ್ಮಾನದ ಬಗ್ಗೆ ಮಾನ್ಯ ಸದಸ್ಯರ ಅಭಿಪ್ರಾಯವೇನು ?

SRI K. PUTTASWAMY.— My hon. friend may reserve all his doubts to the last. If he has any doubts, I shall try to clarify them to some extent. "The case of lands held by trusts, institutions etc., requires detailed and careful consideration. Any blank exemption is uncalled for and it is likely to be misused. There is strong reason to suspect that many of the so called trusts that have sprung up must have a ceiling. As a rule no distinction should be made between individuals and companies. In the case of properties of institutions which are serving a genuine public purpose, the government may work out the areas to be held by them". This I am read ng out from a report submitted to All India Congress Committee by the 9 Man Committee.

The Congress Working Committee has decided :

'ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳ ಹಿಡುವಳಿಯ ಪರಿಮಿತಿಯ ಬಗ್ಗೆ ವಿನಾಯಿತಿ ಕೊಡುವುದನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರಗಳೂ ಸಹ ನಿರ್ಧರಿಸಬಹುದೆಂದು'

That means it has been left to the State Government. They have left it to the State Government whether the educational institutions, religious and charitable trusts should be exempted from the ceiling limit. Nowhere it is stated that they should be disabled to own lands. I submit it would not be in the interests of the society to create a disability in respect of all juristic persons from holding the land.

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Here, the Government will have to be very careful ; they may have to take power and see whether these institutions are really serving the public interest. After convincing themselves that such institutions are serving the public interests, atleast in respect of such institutions, there should not be any disability from owning lands.

SRI M. S. KRISHNAN: Is it the contention of the hon-member that there should be no ceiling at all in respect of trusts?

SRI K. PUTTASWASWAMY: My hon. Friend is shrewed enough to understand it. I am referring to the disability that is being created. The question of exemption is altogether a differing thing. In my opinion the ceiling limit may even be applied to them. As far as educational institutions are concerned, it is a matter for the House to consider whether they should not be given exemption from the ceiling limit. There should not be any disability for these institutions to hold land. If that is done it is going to create lot of difficulties. Even the small village temples where the village community is cultivating the land for the upkeep of the temple will not be able to own land. This is as far as the definition of 'person' is concerned.

I would now like to refer to the definition of 'family' which is very very important. In the original Act, 'family' was defined as 'family in relation to a person means such person if married the wife or husband as the case may be and the depending children and grand children of such person.' Now this definition is sought to be replaced by a definition which is given in this amending Bill. It says: 'Family in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her minor children.' The Central Land Reforms Committee gave a definition which was 'wife or husband and minor children.' In clause 12 of the amending Bill I would draw the attention of the House to the words 'and his or her minor children.' What does this mean? In a family this definition contemplates a family where there are husband and her children, his children and their children. The Central Land Reforms Committee, the Studay Team, the Congress Working Committee and the nine-man Committee all gave a certain definition and at all the four stages they have stuck to a certain definition of family. It is only in this amending Bill that we find this strange definition, There may be sufficient reason for the Government to frame a definition like this but in the absence of the definition being clarified I am making my comment. There may be her children also in the family. What happens then? What is the right of those minor children in the family of her husband? I do not think that under any law her children would be able to have a right over the property of their step father. It is said that if there is land in the name of the wife and in the name of the husband, it has to be pooled together and if it exceeds the ceiling, they have to

contribute *pro-rata*. Here, about the number of children there is no mention. I am sorry in the Statement of Objects and Reasons it is stated that it is proposed to adopt a new definition in which the family would consist of the husband, the wife and minor children. In several other places they have said 'husband and wife and three minor children.' Even while dealing with ceiling, Section 63 (3) states :

> "The ceiling area for every family consisting of more than five members shall be ten units together with an additional two units for every member of the family in excess of five, so however that the total extent of land for such family shall not exceed twenty units."

All through it is explained that father and mother and three minor children would be entitled for a ceiling.

What happens if there is no father ? The mother and four minor Children are entitled only to one ceiling. What happens if there is no mother ? The father and four minor children will be entitled to one ceiling. What happens if there is no father and no mother ? Are you going to consider a group of five orphan minor children as a family ? I submit that they cannot be considered as a family because there is no father and mother. These five minor children will be five independent units each entitled for one ceiling. This may be a far-fetched logic. I want all these matters to be considered before finally deciding as to how a 'family' should be defined.

At this stage I would like to make one more observation. In the case of a father and mother and three minor children, land up to a ceiling would be given to them. If there are more minor members in the family, each one would get something extra viz. 2 units of land. Then what happens if they get more children ? They are not going to get anything extra. If there is a mother and four minor children, one minor child is not going to get anything extra. If there is a father and four minor children, the fourth child is not going to get anything extra. Therefore, these are several aspects which will have to be taken into consideration before finally deciding as to how a family should be defined. In my humble opinion, the definition given by the Central Land Reforms Committee which was endorsed by the Congress High Command perhaps would be more correct than the definitien that we are having in the amending Bill.

At this stage I would like to refer to the question of personal cultivation. Let us take it that the definition of 'family' is as given in the amending Bill. Members of the family according to the amending Bill are wife, husband and minor children. Here the husband is expected to personally supervise the cultivation. Supposing the wife supervises the cultivation. It is within the common know-

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ledge of most of us that even minor children attend to cultivation of land. Now clause (11) of Section 2 is sought to be amended by adding a proviso which says :

> "Provided that the person exercising such personal supervision resides in the village in which the land is situated or within sixteen kilometers from the territorial limits of the said village."

Supposing the husband is living in a place beyond 16 km. and the wife supervises the land or the minor children superlise it. A person can have more than one resibence What is there to say that he is not living there ? Nobody is expected to live in a place all the twenty-four hours Supposing it is accepted, what is going to happen ? People will try to evade by putting up a farm-house or a hut in that place and say that they live there exclusively. We should not push people to take that extreme step. Nowadays when so much of transport facility is available, when people can live at a distance of 25 or 50 miles and go and cultivate their land, I do not know why such a provision should be inserted to create a disability for honest men. This amending provision, if accepted, would creat difficulties.

Then, I pass on to clause 29.

4-00 P.M.

Clause 29 deals with resumable lands. It says :

> " 'resumable land' in respect of any land leased by a landlord, means the extent of land which he is entitled to resume from his tenants under section 14; and the remaining part of the leased land or where the landlord is not entitled to resume any extent of land leased to a tenant, the entire extent of land leased to a tenant shall be the 'non-resumable land' "

Provided that in respect of land held on lease on the appointed day,

i) land leased to a permanent tenant by any person ; and

ii) land leased to any tenant by a company, association or other body of individuals (not being a joint family) whether incorporated or not, or by a religious, charitable or other institution capable of holding property :

shall be deemed to be non-resumable land :

I think at this stage it is necessary to explain my views regarding sections 14 and 16. I am for making the tenant who has been cultivating the land, the owner of the soil. I have absolutely no doubt in my mind regarding this. I have been advocating for the last 25 years that the tenant to whom the land is given over should be the owner of the land. I am only making reference to clause 29 to show that some of the amendments are not quite consistent with the tenor of the Bill, and not that I appose the amendment proposed in the clause 29. Here the amendment that is proposed is the deletion of "not being a joint family". What happens as a result of this ? Any joint family which has leased the land will not be able to resumr the land and that land becomes non-resumable. This proviso shows what are the lands that are going to be non-resumable. You have said "land leased to a permanent tenant". The landlord may be anybody ; he may be an insufficient holder or a landless fellow. When land is leased to a permanent tenant it becomes non-resumable. Even the lands leased by religious and charitable institutions, by companies or by other individuals, should become non-resumable But the tenor of the Bill is different. Section 14 is not proposed foe deletion. These sections 14 and 16 are retained with some amendment. That means if a joint family leases land in certain circumstances, it is entitled to ask for resumption But by deleting the words "not being joint family" in clause 29 we will be denying what is conferred on a joint family and by sections 14 and 16. That is all what I wanted to say about this clause.

Next sub-clause 31 deals with small holders. It says :

> "small holder means a land owner owning land not exceeding two basic holdings whose total net annual income including the income from such land does not exceed one thousand two hundred rupees ;"

Two basic holdings will be 4 units of lands under the amended provision. Along with the 4 acres double crop irrigated land and income from other sources his income should not exceed Rs. 1200. That is what the present definition means. What is the benefit that a small holder has ? A small holder would be permitted to lease out land. If a small holder has already leased his land, the land goes to the tenant and the small holder would be entitled, according to the amending Bill, for a higher compensation. Whether he is going to get any higher compensation at all is a point to be examined. These two units of land, in my humble opinion is going to make the small holder still smaller and the compensation, that the amending bill contemplates would not be available. Why should a small holder

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be permitted to lose land ? When the original Bill came up for consideration in this House, I was one of those who advocated that the small holder should be permitted to lease his land. It is within the common knowledge of this House that children from all strata of society are receiving education which was not available to them in the earlier years. Supposing a talented young man has got two or four units of land and is not permitted to lease ; he will not be able to move out of his village and go to other places to seek his fortune. Supposing he is in a place which is 25 miles from Bangalore, he will not be able to come to Bangalore and will not be able to take any other avocation lest he might lose land. Unless a small holder is permitted to lease, he will not think of leaving the village. If he is permitted to lease out, he will go to a bigger place and he will try his luck. Supposing he thrives or establishes reputation as a medical man or an engineer or in an industry, then he may sell his land or give it as gift to some other person. Therefore unless we enable a small holder to lease out his land, we will be doing a disservice to rural youngmen of talent and persons who hold promise. Therefore this provision of small holder has to be retained.

Then, is there any need for reducing it to two units ? I submit that it is not necessary and much better to leave it as it is. Somehow the Revenue Minister is not prepared to agree to the concept of basic holding and family holding. In my humble opinion no harm would have happened if the concept of basic holding and family holding was retained. He is very much against it. Instead of the basic holding I would like it to be substituted by four units. It would enable an youngman to go out and seek his fortune. Supposing we accept the amendment, namely two units, a person with three units or 3½ units will not be able to leave his land. Whether these four units of land can give him a sufficient income to lead a life according to his own aspirations ? Can he have all the amenities of modern life ? Should we not allow an young man, an educated man. an enterprising man to go to a place where he can better his future ? I submit that by changing the definition of small holder, he is made still smaller and it is not in the interest of any promising young person from the rural sector.

Clause 10. Many of my hon. friends who participated in the discussion wanted sections 14 and 16 to be deleted. As I explained earlier, I am one of those who would like all the tenants to acquire ownership. There are certain tenants who will be having land in excess of ceiling. Only in such circumstances there should be a provision for taking away the land from a tenant. Otherwise the tenants who are cultivating lands should become the

owners. I expected the Government to consider the question of deleting sections 14 and 16 very seriously. Perhaps there may be some difficulties in their way. But what difficulties they have, hon. Revenue Minister has not chosen to enlighten the House on the difficulty in removing sections 14 and 16, I do not think the Government have very seriously considered the effect of this amendment. I would like to point out only one thing to prove my statement. In clause 7 of section 16 it is said:

> "The right to resume land by the landlord other than a landlord owning land not exceeding two basic holdings, shall be subject to the further condition that in the case of protected tenants, each protected tenant shall be left with a basic holding on the land actually held by him whichever is less".

According to section 16, while deciding the question of resumable land or non-resumable land sufficient care has been taken to see that the tenant is left with atleast a basic holding. Section 16 makes it clear. Even in case of protected tenant or an ordinary tenant sufficient care is taken to see that while deciding the question of resumability or non-resumability of land, one basic holding is left to the tenant. As I submitted to you earlier the Revenue Minister seems to have gone in a very mechanical way——wherever there is a reference to basic holding he has proposed substitute by one unit Is it in the interest of tenant about whose welfare we have been expressing so much anxiety? In the original Act a tenant will be left with one basic unit, namely 2 units in the amending provision. I would very humbly submit that this requires very careful consideration. Perhaps the hon. Revenue Minister may not have been able to appreciate the implication of substituting one unit for one basic holding. Such an error has kept in throughout the Amending Bill even in case of allotment of land

SRI KAGODU THIMMAPPA: May I know whether my hon. friend intents to retain section 14 or wants to delete it?

SRI K. PUTTASWAMY: I have made my position clear. I would like this provision to be deleted-sections 14 and 16. But there may be certain cases where a tenant himself will be having land in excess of the ceiling. There are many instances. In my experience I have found that landlords in many cases are much poorer than the tenants. These are provisons which should be carefully looked into. We will have to strike a *via* media. I was for retaining the concept of family holding. A family holding in our original Act is six acres of double crop land. I would say that the tenants must be left with at least six acres land.

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Land is a scarce commodity. It has to be distributed amongst people who are engaged in agriculture. Therefore I would say that if a tenant has in excess of a family holding, then we may consider whether he is to be left with that land or not. In all cases of tenants normally there are large families. Agriculture operations require the assistance of a large number of membere Thesefore these are matters which have to be taken into considere ation. My personal opinion is by and large the tenant must be enabled to become the owner of the land in largest number of casese

Now that the Bill is likely to go before the Joint Select Committee it may consider in what shape or form sections 14 and 16 are to be retained. But any way my purpose in taking some time of this House on these sections is to show that the Government seems to have dealt with these matters in a mechanical way. If they had only thought of the effect of substitution of one unit for one basic unit of land they would not have proposed this amendment and perhaps it might have been two units or more. This is what has happened.

Then I pass on to clause 13 of the amending bill which deals with restrictions on transfer of resumed land. Under section 19 of the original Act a person who resumes his land cannot transfer it by sale, gift or exchange within six years from such resumption. Now the amendment proposed is to delete the words "within six years from such resumption". What is its effects? If the amendment is accepted the section would read as follows;

> "Notwithstanding anything contained in any other law or in section 80, no land resumed from a tenant under section 14 shall be transferred by sale, gift or exchange;
>
> Provided that such land may be sold to the tenant who on resumption had been evicted from that land, at a value to be determined by the Court".

Sir, why I am making this reference is that the deletion of this phrase "within six years from such resumption" would make the land almost non-transferable. Is it our intention that land either resumed by land lord or the ownership of which is conferred on the tenant should never be transferred. But under section 19 he is forbidden from transferring the land within a period of six years and after that period he can sell, transfer or gift it. In the same way, if the tenant becomes the owner of the land he can also sell it, or gift it or do anything he likes. But in the amending Bill the principle that the Government seems to have accepted and put forward before this House is that either the land resumed or the land of which the tenant has become the owner, both of them will not have the liberty or power

to sell it or to encumber it or gift it. I would like this House to ponder over this point. Is it our intention to mulct to such a condition on this property ? There would to be two categories of lands and we would be introducing a new tenure also. There is one category of land which could be gifted, encumbered etc., while there is another category of land which cannot be gifted, sold or encumbered. Sir, in a society like ours, it is not desirable to create certain land with such conditions. You can add f ur more years to these six years, for which I have absolutely no objection. But there should no such condition on this, categories of land I for one would like, if the House is not satisfied with the period of six years restrictions, it can increase to 10 years But after a certain period the land which has been resumed by the landlord or the tenant acquiring the ownership of the lan i should be dealt with under the ordinary provisions of the Transfer of Property Act. This sort of creating disability is not either in the interest of the landlord or the tenant Therefore, I would like this phrase to remain. If the House so desires this 6 years may be enhanced to 10 years but a disability should not be created for all times to come.

4-30 P.M

Then coming to clause 14 of the amending bill which seeks to amend section 20 of the original Act, Sir, I have already made a reference to the effect of deleting the phrase "within six years from such resumption". Sir, the original section 20 reads thus :

> "20. Landlord to srurender land to State Government if he fails to cultivate, etc.,-Where a person who has taken possession of any land by evicting a tenant therefrom on resumption under section 14, fails to use the land for the purpose for which he resumed the land within one year from the date on which he took possession or ceases to use it at any time for any of the said purposes within six years from the date on which he took such possession, the landlord shall surrender the land to the State Govrrnment and on such surrender, the State Government shall pav compensation as if it were surplus land surrendered under Chapter IV".

Sir, the landlord is able to resume some land. It is alright if he is unable to cultivate it within a year the land should be restored to the tenant. It is also correct to say that if he fails to use the land within six years from the date of his possession he ceases to cultivate the land and it should be made over to the Government. But what is the effect of deleting this provision "within six years from the date

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on which he took possession if he ceases to cultivate the land thereafter". Supposing he migrates or his successor migrates to any other place to take up any other profession he cannot sell it, he has to surrender it to the Government. Supposing he wants to celebrate his daughter's marriage we all know the difficulty in arranging the marriage of a daughter-there are any number of instances when persons have sold all their belongings to perform marriages ; persons have sold their lands, dwelling houses to celebrate the marriage of a daughter. Therefore you should not create this difficulty. You have allowed the landlord to resume the land. Ofcourse, resemption must be made very very difficult. But once you have allowed him to resume the land he should be allowed to deal with his property in any manner he likes. Therefore I say that this amendment proposed by Government requires revision in the light of the remarks I have made.

Sir, one of my hon. friend who participated in this debate earlier was very much worried about the conferment of ownership of the dwelling houses. He was making reference to the area built and in possession. If it is creating any difficulty I have no objection for the removal of the word built in the clause relating a dwelling house and the persons living in those houses should be enabled to become the owers of those houses.

Then I come to the Chapter dealing with conferment of ownership on tenants. Sir, I have aleady made my position clear that all tenants, as for as possible, should be conferred with ownership. In most of the parts of our State now the tenants have almost become owners. It is only in cases where the landlord happened to be a local man he has been able to find out a way of evicting the tenant. But in all other cases the tenants are almost in effective possession of the lands. I welcome the change that is now proposed by Government in the amending bill in this behalf. Sir, in the original Act it was linked to fair rent. The fair rent was fixed/in case of irrigable land the value of 1/4th of the gross produce and in case of dry land 1/5th of the gross produce There have been so many amendements also and necessity is there for amending this provision with regard to determination of fair rent. Now the basis for determination of fair rent is proposed to be changed from the value of gross produce to that of the land revenue payable. It is a very welcome feature of the Bill. Hereafter there would be no difficulty in ascertaining the rent that it to be paid to the landlord and also the compensation that has to be paid in case of conferment of ownership on the tenant. Therefore I welcome this amendment relating both to the determination of rent as well as compensation. Ofcourse, there are some difference in opinion about the quantum of rent and compensation. Sir, we are

all aware that land values differ from place to place. In some places double crop wet land is being sold from Rs. 35 to 40 thousands and in certain place it is available even for two to three thousands only. In the matter of rent, both category of land fetch the same rent and get the same compensation. It might even so happen that compensation calculated according to the amending bill may perhaps in certain places be much more than the market value of the land and in certain other places it may be a small fraction of the market value. But when we are introducing such a revolutionary provision there is bound to be hardship to one section or the other. We connot go on emphasize on the hardship that is going to be caused to one section or the other and hesitate to agree to a provision like this. Therefore I would whole-heartedly welcome the amending provision in Chapter III relating to conferment of ownership on tenants.

At this stage, I would like to make reference to the fact, that under the original Act, a permanent tenant has to make payment of only six times the fair rent. But in the amending provision he has to make payment of fifteen times the fair rent. perhaps this has also escaped the notice of the Hon. Minister for Revenue. If he had only noticed it I don't think he would have been a party for this because this is a provision in favour of tenant.

SRI K. PUTTASWMY.— I go to the question of ceiling of land. Perhaps this is one of the issues which has figured very much in this House. Some of my friends are anxious to know my views on this matter. I have formed an impression – atleast in some quarters, that a person advocating for 10 acres is a socialist and a person advocating for 18 acres is a conservative. I only wish that some of my socialist friends carefully consider the factors that have to be taken into consideration in arriving at the ceiling. For this I think I cannot do much better than quoting a passage from the Central Land Reforms Committee.

> "The ceiling for a family of 5 members may be fixed within the range of 10-18 acres of perennial irrigated land – irrigated land capable of growing 2 crops."

Now there is some change in the amending Bill. They have incorporated a provision land which is capable of raising sugarcane. It is only in this Bill for the first time we notice this change. "A land possessing facilities of assured irrigation where two crops of paddy can be raised in a year or one crop of sugarcane can be raised." Sugarcane can be raised on lands where there is not assured irrigation all the year round. Here the assured irrigation does not qualify the land on which sugarcane is grown. This is a departure from what was conceived of by the Central Land Reforms Committee;

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what was also considered by the Study Team: what was also considered by the Nine Man Committee and what was considered by the Congress High Command.

I Will come to that point sometime latter.

I shall quote to you from the Central Land. Reforms Committee on this subject.

"As soil condition and productivity of land, nature of crop grown etc, varies from State to State and within the same State from region to region the committee considered it desidered simply to indicate a range within which the ceiling should be fixed instead of suggesting any rigid ceiling for the whole country.

For various other categories of land, conversion ratio should be fixed taking into acoount the availability of water, productivity, soil classification crops grown etc. The absolute ceiling for a family of five, even in the case of dry lands, should be put at 54 acres. This limit would be relaxable if there is special justification for doing so on account of the nature of soil, rainfall, chronic drought conditions etc."

This is a passage which I have quoted from the Central Land Reforms gommittee. Having considered this provision, the Nine Man Committe which was appointed by the Congress High Command with which our Chief Minister was also associated, has expressed this view. I will quote from their report.

"The relative role of land in different holdings of areas will have to be assessed with reference to the fertility of soil, availability of water. facility for drainage, access to road and such other relevant factors."

The scheme of ceiling that we adopt will have to retain the principle on which an equivalent for various types of land is to be worked out. They have expressed their conclusions as under.

"Wisdom of persons who have a lot of experience in life and also in administration, the best category of land in the State with assured irrigation and capable of yielding atleast two crops a year, should have a ceiling of 10 acres; This ceiling may increase upto 18 acres taking into account the fertility of soil and other conditions."

The other conditions are also referred, in the case of irrigated land. I shall also quote from their report.

> "In the case of irrigated land what should matter, as we have stated already, is assured rains and not where the source of irrigation is probably from private-owned tanks."

They have expressed this opinion when they were considering the source of irrigation; whether it is from public source or private source. I have quoted the above passages for purposes of highlighting the important factors which have been taken into consideration is the assuredness of irrigation. In the scheme of things, the Government has adopted an arbitrary method in fixing the ceiling. I fail to understand whether they have taken this aspect at all into their consideration.

We shall come to single crop land which receive water from channels fed by rivers. There are lands which receive water from thanks; major tanks constructed across the rivers or rivulets and tanks constructed across parennial source of water. There are also tanks which are mainly dependent on rains tanks in Bangalore, Tumkur and in many parts of the State, mainly depend on rains. There are also tanks in Mainad areas. Those small tanks receive copious water from streams and they have been functioning as balancing reservoirs. So, I do not think Government have taken all these factors into consideration in arriving at what should be the ceiling for each category of land.

Sir I will go to double crop lands where two paddy crops can be raised. Are you going to equate the land under the atchkat of big reservoirs with that of lands which come under atchkat of tanks which depend upon rain and also on meagre source of water supply ? I want to ask :- is not the agriculturist entitled to turn round and ask have you taken into consideration all these factors which the Central Land Reforms Committee has envisaged ? The value of the wet land differs so much in some areas that it is available for Rs.3,000 or Rs.5,000 and in certain other areas even if you pay Rs.25,000, we will not get the land. The Central Land Reforms Committee have taken different factors while fixing the value of the land. I would like to tell the House over again "that fertility of land, availability of water, productivity of land, soil classification, crops grown and also the accessibility of roads", these are the factors which have to be taken into consideration while fixing the land value. In some atchkats, certain lands are valued more and certain lands are valued less. That is because there is no road available or it is not accessible to road. All these factors will have to be taken into consideration

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while fixing the value of the land. Therefore I wish to humbly submit to the kind consideration of this House that even in the first category of land, there has to be difference in value. There may be some land which this House may feel that 10 acres is sufficient; there may be other double crop wet land where even 18 acres may not be considered to be suffcient. I fail to understand the logic in the thinking of some of my friends who simply swear by 10 acres or whenever our friends say that it should be 8 acres, they laugh at it. This is not a matter which has to be considered very lightly; this has to be taken seriously. For this an explanation was sought to be given by some quarters That in Andhra Pradesh, they have taken the soil classification into consideration and fixed up the ceiling. The reason for our inability is that there are no records relating to soil classification. For our own omission whether the owner of the land is to be penalised? Supposing a owner of the land having 18 acres of land in an area which is not accessible to roads, the soil itself is poor and all the conditions are inhospitable, is he to be penalised? Are we justified in saying that you have only 10 acres and nothing more? When 10 acres of land is not even equivalent to 5 acres of land elswhere, are we justified in fixing this ceilings at 10 acres? I therefore humbly submit that this is a matter which has to be considered very seriously. Benefit of doubt has to be given to the persons who own the land. For the sake of argument, supposing you are not able to classify the land as superior or inferior or medium, then you will have to consider that that land is not superior land. At this stage, I would like to submit to this House that the legislation which has taken place elsewhere—Hariyana and Punjab, which have considered this problem, have fixed a ceiling of 18 acres. I do not know on what ground they have fixed a ceiling of 18 acres. If you want to do it here, by all means you do it. I would therefore humbly request this House to kindly ponder over this question Even if you start with 10 acres, you will have to end at 18 acres The Congress Working Committee has said: "it shall not exceed 18 acres of such category of land." This is our limitation. Therefore this is a point which has to be taken into consideration. In the same manner they have said for single crop land, the ceiling must be 27 acres. They have started from 15 and they have ended at 25 acres. It has been pointed out by the Chief Minister that the MPCC decision came earlier and AICC decision has come later. Therefore the latter decision, Sri Kagodu Thimmappa has been a socialist for a very long time. I would like him to appreciate my reason. It is not as if I blindly say, fix 18 acres; it is not as if I oppose 10 acres totally. These are the reasons which have to be taken into consideration while fixing the ceiling. I want to ask the Government whether they have taken all these factors into consideration while arriving at the proposed ceiling. They

have evidently not taken all these factors into consideration. I would therefore submit that these factors will have to be taken into consideration in relation to other categories of land also.

I was submitting about one crop wet land. One crop wet lands come under big reservoirs, under diversion channels from the rivers and also under major and minor tanks. Are you going to equate them all together ? Here they have not done so. In the case of minor tanks, they have proposed 25 acres. What about the land under major tanks which depend mostly on the rains ? Is the dependabilty of water supply the same as the dependability of water from diversion channel, from rivers ? I would like these factors to be taken into consideration in fixing up the ceiling for various categories of land. We have lands under river channels ; we have lands under major and minor tanks What type of crop can be grown under the minor tank, the cultivator alone knows it. Some of us who have no experience of cultivation under a minor tank feel that cultivation under a minor tank is as good as under a major tank.

Therefore, all these factors will have to be taken into consideration while fixing the ceiling. I am sure the Joint Select Committee to which this Bill is going to be referred will bestow consideration on all these factors and perhaps a ceiling which will be acceptable to all sections of the House will emerge.

5-00 p.m.

At this stage I would like to refer to Sections 63 (6A) and Section 74 of the 1961 Land Reforms Act. Now, the plain meaning of Section 63 (6A) is that if a person has sold any land between 18th November 1961 and 2nd October 1965, how is it to be treated. The land which he has sold will have to be taken into consideration while fixing up the ceiling to which he is entitled. I would like to give an illustration. Supposing a person is owning 54 units of land. Under the origional Act the ceiling that was allowed for a person owning land during this period is 27 acres and he sells away 27 acres of land and retains only 27 acres of land. Then while computing the ceiliag these 27 acres will have to be taken in to consideration and if that is taken into consideration the land that he is going to retain is nil. This is the effect of this provision That is because though he is entitled to 27 acres, he has sold land which is considered later to be against the provisions of this Act. Suppose he has only 27 acres of land which he is entitled to retain under Section 63 (6A) and suppose for certain compelling reasons he sells away 17 acres and retains 10 acres. What I am trying to drive at is that no person shall be penalised for being a party to any transaction which is allowed under the law. If it is not allowed under the law the man can be penalised. If a person is

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a party to a transaction which is allowed under the law, is there any justification for this House to penalise him by a subsequent amendment? I said that I would refer to Section 74 which deals with prohibition of alienation of holding. Under Section 63 (6A) alienation is not going to be treated as *null* and *void* but under Section 74 any transfer of land after the appointed date is *null* and *void*. I want to ask the Government whether they have bestowed an thought as to the extent of land that has been sold in contravention of Section 74. Even today alienations are going on by large holders in favour of ignorant persons, who are anxious to become owners of land. These ignorant persons are purchasing the lands by parting with their hard-earned money.

I would now refer to sub-section (8) of the proposed new section 63. It is a very interesting amendment. In it there is no reference to the appointed date; that is significantly omitted. If this amendment is agreed to, what is its effect? Suppose a man had got 20 units of land and he was entitled to own up to 27 acres and suppose he sold away 10 units and retained 10 units. If this amendment is accepted, what is going to be his fate? His action is within the four corners of the law. In the year 1972 we fix up the ceiling as 10 units of land. By all means this House has the right to fix the ceiling at 10 units. If a person has at present more than 10 units, the extra land can be declared as surplus and taken. Now, he has sold 10 units to discharge his commitments and retained 10 units for his own personal cultivation. If the ceiling is fixed up at 10 units, he is within that limit. Still we are not going to leave him. We will say, "Prior to 1972 you have sold 10 acres of land for which you shall suffer." The ten acres will be considered surplus and he will be a landless person. Is there justification for it? Is there no social justice for him at all? What is the sin that he has committed? Has he tried to contraveue any law?

ಶ್ರೀ ಕಾಡುಗೋಡ್ತಿಮ್ಮಪ್ಪ :— ನಾಳೆ ಸರ್ಕಾರದವರು ಇಂಥಾ ಒಂದು ಕಾನೂನನ್ನು ತರುತ್ತಾರೆಂದು ತಿಳಿದುಕೊಂಡು ಅವರು ತಮ್ಮ ಜಮೀನನ್ನು ಕ್ರಯ, ಭೋಗ್ಯ, ವಿಭಾಗ ಮತ್ತು ದಾನಪತ್ರಗಳ ಮೂಲಕ ವಿಲೇವಾರಿ ಮಾಡಿದ್ದರೆ ಅಂಥವರಿಗೂ ರಕ್ಷಣೆ ಕೊಡಬೇಕೆಂದು ತಾವು ಹೇಳುತ್ತೀರಾ?

SRI K. PUTTASWAMY:— I may tell my Hon. Friend that partition is always permitted, it is not at all tabooed. Regarding other things, it is only since about a year or two the question of reducing the ceiling has arisen. This Act has come into force in October 1965, can it be said that in anticipation of the 1972 amending Bill he has sold it. We have to be fair to the citizen also. We have a sacred responsibility to discharge. While discharging it, we must also take into consideration the ordinary transaction which take place in the society. Therefore I would say that there is no justification at all

for such a provision like this. The point I am urging for consideration of this House is that no man must be penalised for having acted within the four corners of the law by a subsequent amendment. I hope my Hon. Friend Sri Kogod Thimmappa appreciates that I think this is the first principle which must be observed while enacting an amendment. We should not amend any existing law which would penalise a person for having acted in accordance with the provisions of the existing law.

I now come to clause 41. This deals with substitution of new sections for section 64. I would like to refer to clause 64-A. This is a penalty for future acquisition in contravention of section 63. Section 63 deals with ceiling limits. It so happens that a person acquires land subsequently. Acquisition of land may be by volition, may be by other factors such as inheritence etc. How is he proposed to be dealt with is stated in 64-A. It reads thus :

> "If as a result of any transfer of land either by sale, gift (other than gift made in contemplation of death) exchange surrender, agreement, settlement or otherwise effected on or after the date of commencement of the Mysore Land Reforms (Amendment) Act, 1972, the extent of land in excess of the ceiling area so acquired shall be deemed to have been transferred to and vested in the State Government free from all encumbrances with effect from the date of such transfer on a declaration to that effect made by the Deputy Commissioner within whose jurisdiction such excess land or the major part thereof is situated :"

Here the transfer of land may be by others. Somebody gifts the land. By succession he may inherit land. What should happen to that land ? It is all right because he is going to have land in excess of ceiling and that land has to go to the Government for allotment. But it is not all that. Here it is stated that land shall be vested in the State Govarnment free from all encumbrances. If the land is already encumbered, what should happen ? Supposing a person has advanced some money on land and that land goes to a person, owning land upto ceiling by inheritance, then the person has to lose money because the land vests with the Government free from encrumbrance.

SRI KAGODU THIMMAPPA : That encumbrance still subsists with the remaining portion of the property. If the land vested is more than the ceiling limits, encumbrance will be there with regard to the other land.

SRI K. PUTTASWAMY : I am making reference only to submit to the House that the principle underlying this Bill cannot be accepted. encrumbrance will go with the land. Whenever land is transferred encumbrance goes with the land. That is the principle of Transfer

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of Property Act. Now we are forgetting all principles of Transfer of Property Act and say that the land will vest with the Government free of all encumbrances.

SRI D. DEVARAJA URS : Is it the idea of the hon. member that any person should be entitled to acquire land more than the ceiling limits ?

SRI K. PUTTASWAMY : I am sorry, I was not able to make myself clearly understood. It is not at all my case that any person should be allowed to have in excess of celing limit. My point was that the land which goes to a person who is already having land upto the ceiling limite, should vest with the Goverament. But it should not be free from all encumbrances because encumbrance will have to go with the land.

SRI D. DEVARAJ URS : In that event, purposely encumbrances will be made.

SRI K.PUTTASWAMY: It is not the person who inherits that is going to create encumbrances If he has created any encumbrance, by all means ignore it. But he inherits the land which is already encumbered. Therefore, if you say that all land vests with the Government free of encumbrance, will it not work as a hardship ? Come in the way of normal transactions in the society ?

SRI D. DEVARAJ URS : There are people who want money by way of land and so many other things If a person has got certain land which is upto the ceiling limit and still if we allow him to acquire by sale or gift, would it not work as a hardship ? It is with a view to cover all such cases ; provision is made here. If a person who has land in excess of the ceiling limit and he raises money on that land and subsequently when he has to discharge loan he says, take away the land. That difficulty is also there.

SRI K. PUTTASWAMY : I am not at all having in my mind the person who inherits by way of gift. He is already having land upto the ceiling limit and he shall not be allowed land in excess. I am only making reference to the land that comes to him with encumbrance. Supposing we legislate like this and say that the land shall vest free of all encumbrances, who is to lose ? It is the man that has advanced money to the previous owner.

SRI D. DEVARAJ URS : Those cases are rare.

5-30 P.M.

SRI K. PUTTASWAMY : I concede. But are we justified in saying that he will suffer ? I want the Select Committee to consider this point.

I have already made a passing reference to amendment of section 63. I pointed out that in the original Act the persons who are to get 2 acres of double crop land will get only one unit under the amending provision. I want to know whether one acre of land for a landless person is sufficient. The entire bane of our agriculture is insufficiency of holding. He cannot leave the land and go elsewhere to eke out his living.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಇವತ್ತು ಎರಡು ಫಸಲು ಆಗತಕ್ಕಂತಹ ಒಂದು ಎಕರೆ ಜಮೀನಾಂ ಸಿಗುವುದೇ ಕಷ್ಟವಾಗಿದೆ. ಕೇವಲ ಅಂಥ ಒಂದು ಎಕರೆ ಜಮೀನು ಸಿಕ್ಕಿದರೆ ಅದರಿಂದ ಜೀವನ ಮಾಡತಕ್ಕ ಜನರು ಅನೇಕರು ಇದಾರೆ. ಆತನಿಗೆ ಅಂಥ ಒಂದು ಎಕರೆ ಸಿಕ್ಕಿದರೆ ಕನಿಷ್ಟ ಪಕ್ಷ ವರ್ಷದಲ್ಲಿ ಮೂರು ತಿಂಗಳಾದರೂ ಜೀವನ ಮಾಡಬಹುದೆಂದು ಹೇಳತಕ್ಕ ಜನರು ಬಹಳ ಇದ್ದಾರೆ.

SRI K. PUTTASWAMY.—We are laying down certain standards. Is it your case that land upto one unit is sufficient to rehabilitate people ? At least two acres of land is absolutely necessary. We cannot distribute poverty. On the ground that land is not available, you cannot say that no family should have more than one unit. Is it going to solve the problem of land hunger ? It is not. Therefore, I would like to say that it is much better we retain the provision as existing in the original Act Two units of land, *i.e.*, two acres at least should be the minimum, The existing provision of law is more beneficial to the tenant than the amendment that we have proposed.

Then we go to the two principles with which I have not been able to agree At the outset I said that I agree with most of the principles underlying this amending Bill. I also said that I agree with all the limitations that have been laid down by the Congress High Command. But here, I come to section 79-A, 79-B and C. These are provisions which have not been considered at any stage by almost all most important bodies. I make reference to the Central Land Reforms Committee The Central Land Reforms Committee never contemplated this provision. The Study Team also did not contemplate this provision. The Congress High Command also have not considered this provision. But the Nine-man Committee have in a way considered this but they did not take a decision Now our Government has come forward with the amending provision by way of sections 79-A, 79-B and 79-C dealing with prohibition of holding land by non-agriculturists.

Who is considered a non-agriculturist ? A non-agriculturist is a person who is having an assured annual income of not less than 12,000 rupees from sources other than agricultural land shall not be entitled

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to hold land whether as land owner, landlord, tenant or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, they have not stopped here. They have further explained as to when a person can be considered as having 12,000 rupees assured annual income as follow :—

> "a person or a family shall be deemed to have an assured annual income of not less than rupees twelve thousand from sources other than agricultural land on any day, if such person or family had an average annual income of not less than rupees twelve thousand from such sources during a period of five consecutive years preceding such day."

So, a person who is having an assured annual income of rupees twelve thousand for the last five years will be considered as a non-agriculturist person. The explanation given is still more interesting. Perhaps they have not realised what it meant. By trying to explain they have made their case worse The explanation reads thus :

> "A person who has been assessed to income tax under the Income Tax Act, 1961 (Central Act 43 of 1961) on an yearly gross income of net less than rupees twelve thousand for five consecutive years shall be deemed to be a person whose average annual income is not less than rupees twelve thousand from sources other than agricultural income."

Sir, it does require that I should labour to explain about the implication of this. No man is assessed by the Income Tax authorities on his gross income. They assess a person on his net income. Persons engaged in non-agricultural occupations know what is meant by gross income and what is going to be their net income. Supposing there is a shop owner, his gross income may be ten thousand rupees, but his net income may be just six thousand rupees. Out of the gross income he earns he has to pay shop rent, salary to shop Assistant and so many other things including incidental expenditure etc. Then are you justified in saying that if a person is getting rupees 12,000 gross income he should be considered as a person having an assured annual income of not less than rupees twelve thousand ? Perhaps while drafting this legislation, they did not realise its implication on the main section 79. The Hon. Chief Minister was a member of the nine-man committee. That committee considered this in some way. I am making reference to this because it throws some light over section 79A. I may be permitted to quote here in full as to what they have said :

"Para 37. Given the accute and growing pressure of population it is necessary to consider whether it will not be justifiable to bar persons with assured non-farm income above a certain level from competing with others, less fortunately placed, for ownership of land that is in such short supply. One way of doing this will be to prohibit indirectly land ownership by persons with assured income above a minimum level from other sources. In such a scheme of action, Rs. 12,000 and above a year from occupations that are of a permanent nature might be considered a reasonable disqualification to possess land simply as a piece of property. There may, however, be problems in defining "permanent occupations."

Sir, the object of my quoting this here is to point out that the nine-man committee consisting of our experienced leader of the conutry, have realised the difficulty in defining permanent occupation. Sir, in addition there is also problem in defining assured income of rupees twelve thousand. Sir, when can we say a person has an assured annul income of rupees twelve thousand ? Can we say an officer who is drawing rupees one thousand is assured of having twelve thousand annual income ? He may at any time resign ; he may leave the job. The amending Bill assured income of twelve thousand rupees has been defined, I am sure, the House in its wisdom may not accept the explanation. There could be a better explanation. Therefore what I wanted to point out is that putting a condition which is unworkable, and impracticable, should not be coneidered. Therefore this section 79A prohibiting holding of lands by non-agriculturists has to be removed. I am sure, the Joint Select Committee after realising this difficulty and impracticability would recommend deletion of this clause. I have absolutely no doubt about it.

Then again in section 79A (3) (b) reads thus.—

"79A (3) (b) On receipt of the statement from the Tahsildar under clause (a), the Deputy Commissioner shall by notification, declare that with effect from such date as may be specified in the notification, such land shall stand transferred to and vest in the State Government free from all encumbrancee..."

Sir, supposing a man having land improves his fortune and gets an annual non-agricultural income of more than rupees twelve thousand what is to happen to his land ? If we accept this principle he must lose his land and then the said land will have to vest with the Government and it must vest with Government, free from all

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encumbrances. Sir, this is how the Revenue Minister has conceived the amendment. I humbly quote another instance. Supposing there is an employee in a private firm and he also had lands at a distance of say four to five miles. Immediately his fortunes take a good turn and he begins to earn more than twelve thousand rupees, he has to loss his land. But should it also go free from all encumbrances ? Then Mr. Kagodu Thimmappa may say that this is a man having twelve thousand rupees income let him discharge his encumbrances. Then what is to happen ? Therefore in all such contingencies the land will have to vest with the Government.

Then with regard to prohibition from holding agricultural land by persons not cultivating the land personally, as I have already referred in the beginning, this also is quite unworkable. This would help only for persons who would evade laws and not for those who abide by it. There are persons who live 25 to 30 miles away and yet cultivate their lands much better than others. I would like the Joint Select Committee to consider this and delete the provision.

Again coming to the clause pertaining to penalty for failure to submit declaration, a person who is required to furnis a declaration under section 79 A or 79 B if he fails to furnish the declaration he is liable for penalty. The proposed amendment, viz., 79 C (3) reads thus :

> "If the person fails to comply with the order within the time so granted by the Tahsildar, then as a penalty for failure to furnish a declaration, or a true and correct declaration complete in all particulars, the right, title and interest in the land held by him shall be forfeited to the State Government and shall thereupon vest without further assurance in the State Government."

Again the same thing. This free from all encumbrances, when exactly is to be considered and when it should not be considered is a point which the Joint Select Committee has to take into consideration. I am only trying to point out the loopholes in this Bill.

6-00 P. M.

Sir, under the amendment to Schedule I, in classification of Lands, the Seventh Class (ii) reads thus :

> "Seventh Class.—(ii) Land anywhere in the State on which cocoanut trees and fruit bearing trees other than areca are raised without irrigation"

Sir, large cocoanut gardens are raised without irrigation. For

instance you have proposed the ceiling in Kunigal, Turvakere, Tumkur as 45 acres if it is dry land 54 acres if it is coconut gardens. But I would like to suggest that in case of dry land in Tumkur, Turuvakere or Kunigal the ceiling should be 54 acres. Sir, we are having scarcity conditions in some parts of the State. The Central Land Reforms Committee, the Congress High Command and the Study Team as aslo the Nine-man committee have taken into consid ration the area which is subjected to certain hardship while determining the ceilings. In view of the special conditions existing in Rajasthan a higher ceiling is premitted. Therefore the the High Command has stated that the State Government of Rajasthan will discuss this with the Ministry of Agriculture and decide about higher ceiling. The Congress High Command has also said that in areas which are prone to scarcity conditions a higher limit could be fixed. The fixing of ceiling higher than the 54 acres is therefore not at all ruled out. We have to take into consideration whatever the areas that are usually prone to scarcity conditions and if it is so what is the ceiling to be fixed-whether 54 acres is sufficient or something more is required.

MR. DEPUTY SPEAKER.—How much time would the Hon. Member take to complete his speech ?

SRI K. PUTTASWAMY.—I would require 15 minute to complete the speech. I have no objection to resume my speech tomorrow.

Release of a member Announced

MR. DEPUTY SPEAKER.—I have received a communication from the Superintendent of Police stating that Shri Vatal Nagaraj, a member of this House who was arrested at 11 hours today the 11th December 1972 under section 151 of Criminal Procedure was released at 12-30 P.M. today.

The House will stand adjourned to meet tomorrow at 1 P.M.

The House adjourned at Five Minutes past Six of the clock to meet again at One of the clock on Tuesday the 12th December 1972.

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